Serial No. 09/772,000

REMARKS

In accordance with the foregoing, claims 1-4, 12, and 14-24 are amended. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1-24 are pending and under consideration.

The Examiner rejects claims 1-24 under 35 U.S.C. 102(e) as being anticipated by Namekawa (U.S.P. 6,237,027).

The rejections are traversed.

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention.

Namekawa does not support an anticipatory-type rejection by not teaching features recited in each of the present application's independent claims.

Independent claims 1, 2, 12 , and 14, all as amended, recite, respectively, a text messaging system, and an information terminal, using claim 1 as an example, including "status detection means provided in the information terminals for detecting and reporting to the servers an operational status of the each transmission means including at least a status of the connection with the communication lines."

Independent claims 1, 2, 12 , and 15, all as amended, recite, respectively, a text messaging system and a server, including a "status administration means provided in the servers for storing, per user of any one of the information terminals, the operational status of the each transmission means of each information terminal reported from said status detection means."

Independent claims 1, 2, 12 , 17, 18, 20, 21, and 23 all as amended, recite, respectively, a text messaging system and a method, using claim 1, as an example, "determining means provided in the servers for referring to the operational status stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for determining a message destination or a transmission means and transmission mode for the received text messages according to the stored operational status."

Independent claims 1, 2, 12, 16, and, 19, all as amended, recite, respectively, a text messaging system, a medium, and a method, using claim 1, as an example, "transmitting text messages received from the information terminals to the destination information terminal according to the determined transmission mode using the determined transmission means."

Serial No. 09/772,000

That is, according to an aspect of the present invention a plurality of transmission means with different transmission modes is provided to each information terminal, a status detection means of an information terminal detects an operational status of each transmission means and notifies it to a server, a status administration means of a server stores an operational status of each transmission means of each information terminal, a determining means of a server determines a message destination of a transmission means (transmission mode) based on the stored operational status, and transmission means of a server sends a message with the determined transmission mode using the determined transmission means.

Applicants submit that, none of such status detection means, status administration means, decision means, or transmission means are taught by Namekawa.

Accordingly, Namekawa cannot achieve effects of the present invention that a destination of a message, a transmission means and a transmission mode can be dynamically changed, and a text message can be transmitted in real-time in accordance with a dynamically changing status of an information terminal.

Namekawa merely teaches that a destination of an incoming mail notification is preset.

The Examiner contends that Namekawa teaches a configuration to record information regardless of whether the incoming mail notification has been received successfully. However, Namekawa does not teach a configuration to change a destination of the incoming mail notification or a communication means (transmission mode) based on the recorded information. Rather, Namekawa merely teaches (see, for example col. 6, lines 34-48)

> the computer 5 transmits the message data such as "An electronic mail has arrived" adding the name of the sender of the electronic mail and the address number of the sender because the portable computer 9 can display letters. These message data has been formed by the user and recorded on the hard disk drive 14 in advance and registered in the setup information as the message data to be read out in case of informing the arrival. Further, since the name of the sender of the electronic mail and the sender's address (hereinafter, referred to as ID number) exist on a predetermined position because of the format of electronic mail, these are detected to be added to the message data.

That is, Namekawa teaches notifying a preset destination that a mail has been received when a mail sent from a preset particular sender is received, and that a mail sender is fixed and the notification is only sent to a preset destination. (See, for example, Namekawa col. 5, lines 51-54 teaching a method to preset particular senders so that an incoming mail notification is sent when a mail is sent from these particular senders; col. 5, lines 62-65 teaching a method to preset a telephone number of a mobile terminal to which an incoming mail is to be notified; and col. 5, line 66 to col. 6, line 2 teaching a method to preset to what

Serial No. 09/772,000

kind of a mobile terminal an incoming mail is to be notified.)

Further, Namekawa does not teach a configuration to change a destination of an incoming mail notification or a communication means (transmission mode) based on an operational status. Namekawa merely teaches (see, for example, col. 9, line 21-31):

> the computer 5 judges whether or not the data to be transmitted is message data only. At this point, since types of the data to be transmitted are registered in the aforementioned setup information, the computer 5 reads out the setup information to determine the type of data to be transmitted. In the case where the data to be transmitted is message data only, the computer 5 reads out the message data from the hard disk drive 14 at step SP12 to add the sender's name and the sender's ID number of the electronic mail of which the arrival is informed, and completes the preparation for data to be transmitted.

That is, Namekawa merely teaches a method to preset what kind of information should be included in a notification as the incoming mail notification is disclosed

Further, dependent claims recite features not taught by Namekawa. For example, dependent claim 5 recites a text messaging system "reporting administration means provided in the server for saving text messages transmitted to the information terminal, and, wherein if not notified to the effect that a text message has been read, for forwarding the text message to the mobile terminal."

That is, according to an aspect of the present invention, a message is resent to a message destination terminal when the message has not been read for a predetermined period of time. With this configuration, a possibility that a message is read at the message destination device increases.

Namekawa merely teaches (see, for example, col. 6, lines 34-48) a method to record information regardless of whether a mail notified with an incoming mail notification has been accessed properly from a mobile terminal device.

Summary

Since features recited by claims 1-24 are not discussed by the cited art, the rejection should be withdrawn and claims 1-24 allowed.

<div align="center">CONCLUSION</div>

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/772,000

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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